

# SUPREME COURT MAY ACT MONDAY.

Intimation That Attorney General Crow's Motion Merits Prompt Action.

## CHICAGO COUNSEL RETICENT.

Will Take No Steps Until Next Week—Missouri's Representative Files a Brief Presenting Strong Arguments.

Washington, Jan. 18.—(Copyright, 1900, by James Gordon Bennett.)—An extensive brief in support of the motion for injunction proceedings against the Chicago Drainage Canal, filed by the attorney general of Illinois, was received by the attorney general of Missouri, and the latter is expected to file a brief in reply thereto, which will be filed in the court at St. Louis, Mo., on Monday, Jan. 19.

The court stated that this motion was not absolutely necessary, inasmuch as the defendants were represented by counsel, and that the motion was not a proper one to be made at this time, as the court was not yet organized.

Judge Springer and Chief Justice, counsel for the canal trustees, were in the court. The former stated that the defendants would take no steps in court until after Monday. They are consulting authorities with great care, however, and will claim that the decision of last Monday in the case of Louisiana against Texas is a precedent in favor of refusing an injunction. This was a case where Louisiana sought by injunction of the Supreme Court to protect the citizens of that State against the quarantine law of Texas as enforced by its health authorities. By unanimous decision the court denied the bill for lack of jurisdiction, holding that the case was not such as warranted the court in interfering with the duties of the Executive of Texas; not being such a controversy between two States as brought it within the original jurisdiction of the United States Supreme Court.

Attorney General Crow, however, discusses this point fully in his brief and cites the case of the Cherokee Nation vs. the State of Georgia.

General Crow is of opinion that the so-called manner in which the canal was opened will not be of advantage to the defendants.

"If the Drainage Trustees are acting in good faith," said he, "they must have been in the city of Chicago for some time, and they would have been advised of the fact that the Supreme Court was to be applied to."

The policy of the defendants, as stated by their counsel to The Republic correspondent, will be to await developments in court. Their attorneys are watching every move with great interest, and they are constantly in communication with the Sanitary Trustees.

The brief of Attorney General Crow was presented to the court last before adjournment at half past 12. It will be examined by the Justices in chambers tomorrow, together with the bill of complaint, and a decision is expected in the afternoon for leave to file a more complete brief.

The Missouri Arguments.

The brief states: The general purpose and object of the complaint is to enjoin the State of Illinois and the Sanitary Trustees of Chicago from discharging the undischarged sewage and refuse into the city of Chicago into the Mississippi River, and from doing so by means of an artificial channel which has been cut through a natural divide or watershed, and by means of a system of pumping works, and from doing so by means of a force to the sewage to flow into the Des Plaines River, thence into the Illinois River and finally into the Gulf of Mexico, which forms the eastern boundary of the State of Missouri.

The bill charges that if these acts be permitted, the water of the river will be so polluted as to render it unfit for drinking, for watering stock, for manufacturing, agricultural and domestic uses, and that the health of the inhabitants of Missouri are dependent upon the water of the Mississippi River for their various purposes. It is charged that not only is the health of the people menaced, but that deposits of filth in the river will affect the portion of its bed belonging to the State and will create a continuing public nuisance. The facts in detail appear in the bill and will be here referred to.

It is respectfully submitted that the Supreme Court of the United States has original jurisdiction of a case of this character.

Article III, section 1 of the Constitution of the United States declares:

"The judicial power shall extend to all cases of law and equity arising under this Constitution, the laws of the United States and treaties made under its authority; to controversies between two or more States, between a State and citizens of another State, and between citizens of different States; and to all cases of admiralty and maritime jurisdiction."

This is a controversy between two States and between a State and a citizen of another State. The parties to the action do not bring it within Amendment XI to the Constitution which provides that no State shall be a party to a suit brought by another State.

"The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against a State by citizens of another State, or by citizens or subjects of any foreign State."

The controversy is between the State of Missouri and the State of Illinois, and between the State of Missouri and the Sanitary Trustees of Chicago. The State of Missouri is a party to the action, and the State of Illinois is a party to the action.

As between the State of Missouri and the Sanitary Trustees of Chicago, the State of Missouri is a party to the action, and the Sanitary Trustees of Chicago are a party to the action.

The controversy is between the State of Missouri and the State of Illinois, and between the State of Missouri and the Sanitary Trustees of Chicago. The State of Missouri is a party to the action, and the State of Illinois is a party to the action.



MR. ST. LOUIS TAXPAYER, SUFFERING GUNBOATS HAVE I GOT TO TACKLE YOU, TOO?

Chicago River. She has but one tribunal to which she can appeal, and that is the Constitution of the United States with original and plenary jurisdiction to hear and determine controversies between a State and citizens of another State.

Numerous precedents and authorities are quoted to prove that this case is such as would come within the original jurisdiction of the Supreme Court and the brief then states:

If the State of Missouri were an absolute sovereign, it would have the right to sue in the courts of the United States to restrain unlawful acts, which, if not prevented, would damage the health and life and property of the citizens of Missouri. The question then comes to this:

Has the State of Missouri surrendered or given up its sovereignty as a sovereign State? Has it agreed to be governed by the laws of the United States and the laws of the State of Illinois?

As to the other States of the Union and the other States of the Union, it is not a question of law and equity, in the great tribunal of the Federal government is specially reserved. The Federal government is specially reserved. The Federal government is specially reserved.

The bill charges that if these acts be permitted, the water of the river will be so polluted as to render it unfit for drinking, for watering stock, for manufacturing, agricultural and domestic uses, and that the health of the inhabitants of Missouri are dependent upon the water of the Mississippi River for their various purposes.

It is respectfully submitted that the Supreme Court of the United States has original jurisdiction of a case of this character.

Article III, section 1 of the Constitution of the United States declares:

"The judicial power shall extend to all cases of law and equity arising under this Constitution, the laws of the United States and treaties made under its authority; to controversies between two or more States, between a State and citizens of another State, and between citizens of different States; and to all cases of admiralty and maritime jurisdiction."

This is a controversy between two States and between a State and a citizen of another State. The parties to the action do not bring it within Amendment XI to the Constitution which provides that no State shall be a party to a suit brought by another State.

"The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against a State by citizens of another State, or by citizens or subjects of any foreign State."

The controversy is between the State of Missouri and the State of Illinois, and between the State of Missouri and the Sanitary Trustees of Chicago. The State of Missouri is a party to the action, and the State of Illinois is a party to the action.

As between the State of Missouri and the Sanitary Trustees of Chicago, the State of Missouri is a party to the action, and the Sanitary Trustees of Chicago are a party to the action.

The controversy is between the State of Missouri and the State of Illinois, and between the State of Missouri and the Sanitary Trustees of Chicago. The State of Missouri is a party to the action, and the State of Illinois is a party to the action.

As between the State of Missouri and the Sanitary Trustees of Chicago, the State of Missouri is a party to the action, and the Sanitary Trustees of Chicago are a party to the action.

The controversy is between the State of Missouri and the State of Illinois, and between the State of Missouri and the Sanitary Trustees of Chicago. The State of Missouri is a party to the action, and the State of Illinois is a party to the action.

As between the State of Missouri and the Sanitary Trustees of Chicago, the State of Missouri is a party to the action, and the Sanitary Trustees of Chicago are a party to the action.

The controversy is between the State of Missouri and the State of Illinois, and between the State of Missouri and the Sanitary Trustees of Chicago. The State of Missouri is a party to the action, and the State of Illinois is a party to the action.

As between the State of Missouri and the Sanitary Trustees of Chicago, the State of Missouri is a party to the action, and the Sanitary Trustees of Chicago are a party to the action.

The controversy is between the State of Missouri and the State of Illinois, and between the State of Missouri and the Sanitary Trustees of Chicago. The State of Missouri is a party to the action, and the State of Illinois is a party to the action.

the natural state, and they are to exercise their own taste and judgment, and are not obliged to have their property improved against their will.

The fact when water is so far polluted as to injure its primary use, although it is not used for that purpose, the occasion for complaining of injury is created.

As when the use of water renders it injurious to health or impairs the comfortable enjoyment of property, a nuisance is created, actionable at the suit of all persons specially injured, and actionable at the same in a nuisance or injury common.

And the fact that the water of a stream has been polluted in a similar way for twenty years does not confer prescriptive right to continue it, particularly when the nuisance results from an increase of pollution; but in order to make out the case of nuisance under such circumstances, the plaintiff must prove that the nuisance is created, actionable at the suit of all persons specially injured, and actionable at the same in a nuisance or injury common.

This action of the Sanitary District expressly violates the right of the State of Missouri and is an illegal action. An injunction will lie at the instance of this State to restrain.

This case, therefore, presents the settled question of whether one State can create a nuisance in a navigable waterway, forming a boundary between it and another State, created by such nuisance, which nuisance can only be determined by this court. We, therefore, submit that the bill should be permitted to lie, and that process should be ordered to issue.

CHICAGO AT JOLIET.

REPUBLIC SPECIAL.

Joliet, Ill., Jan. 18.—The current of water in the drainage channel today is about the same as yesterday, but today the water has a clearer appearance in color. The depth is about half of the flow of 3000 cubic feet per minute is now coming down the channel. A whole school of dead fish rose to the surface of the water, and it is supposed that the sturgeon of the previous day was the cause of the fish rising to the surface.

PERMITS AT PEORIA.

PEORIA, Ill., Jan. 18.—The much-talked-of strong-smelling water of the Chicago River canal, which has been the cause of a widespread epidemic of cholera, has not reached this city on the Illinois River. It is expected that the water will reach the city in a few days, and it is believed that the city will be able to handle it without any serious consequences.

NO CHANGE AT PEORIA.

REPUBLIC SPECIAL.

Peoria, Ill., Jan. 18.—Up to a late hour today the current of water in the drainage channel of the Illinois River at this point has been a flow of ten inches in the bed of the river, but this is due to the heavy rains in Peoria and further up the valley. The flood from the canal gates is expected to reach the city in a few days, and it is believed that the city will be able to handle it without any serious consequences.

TEICHMANN WOULDN'T SIGN.

City Chemist's Controversy With City Counselor.

The affidavit upon which City Counselor Schumacher is to base his application for an injunction against the Chicago Drainage Canal Commission was the cause of a widespread controversy between the city chemist, Doctor Teichmann, and the City Counselor. Doctor Teichmann, who is an expert chemist, has refused to sign the affidavit, as he has no absolute knowledge of the contents of the canal, and he believes that the canal is a public nuisance, and that the city is liable for the damage caused by it.

BACK TO ITS OLD COLOR.

Day's Filth in Chicago Thickens the River.

REPUBLIC SPECIAL.

Chicago, Ill., Jan. 18.—The drainage canal flow through the controlling works at Lockport is to be increased to 1000 cubic feet a minute. Loaded with sediment from flushing sewers and rain-washed streets,

## LEADING TOPICS TO-DAY'S REPUBLIC.

For Missouri—Fair Friday and probably Saturday; northwesterly winds. For Illinois—Generally fair Friday and probably Saturday; westerly winds.

For Arkansas—Fair Friday and Saturday; northwesterly winds.

1. Supreme Court May Act Monday. Buller's Artillery Is at Work.

2. Fighting at Ladysmith Described. Financial Crash of De Castillane. Fortune Teller's Suicide. Killed by Her Husband. Victim Healer in Jail. Kumbakonam Miner Starved to Death.

3. Light on Meier's "Retrenchment" Bills. To Make Householder's Deeds Larger. Mayor Is Seeking for a Scapgoat. Professor Ives Seizes Ziegenhagen. Her Son Was Her Warning. College Girls Very Angry.

4. Colonel Cohen Seriously Shot. Assassination Trial Ends in a Tragedy. Employers Charged With Theft. Union Club Endure. Installation at Jefferson Club.

5. Sporting News. Results at Race Tracks. Brady on the Ring Situation. Niagara Question in Congress. Boys' Trip of Adventure Cut Short. Doctor Young's Lecture. Football Conventions. Fruit Growers Worried. Strangler Plays Detective. Too Free With His Pistol.

6. Editorial. Democratic State Ticket. Events in Society.

7. Railway News. Wood Congratulates Lee. St. Louis Workers Strike. Missouri Bankers Meet.

8. New Corporations. Government Weather Report. Live Stock Men's Convention. Kentucky Contract Proceedings. New York Underground Railway Plans. Other Markets.

9. Financial News. River Telegrams.

10. Unknown Philanthropist Pays for Light. Starts a Bank With Five Thousand Dollars.

11. The Chicago River returned to its ancient color today.

The highest current in the river registered yesterday at the University of Chicago. Reports from towns along the river where the flow has made itself apparent are to the effect that the Illinois River current from the Joliet basin and the muck of the Des Plaines has disappeared. The combined flow of the Illinois and Des Plaines Rivers in their course down the canal reached the following places at the time indicated for each, respectively:

Joliet, Wednesday, 12:30 p. m.; Morris, Wednesday, 7 p. m.; Ottawa, Thursday, 4 a. m.

The current is due to reach other places in the following order:

Chillicothe, January 20, morning; Peoria, January 20, afternoon; Pekin, January 21, morning; Havana, January 22, morning; St. Louis, January 23, morning; St. Charles, January 23, morning; St. Joseph, January 23, morning; St. Louis, January 23, morning.

Doctor L. C. Jordan, head professor in bacteriology at the University of Chicago, said today that St. Louis cannot receive any disease germs by way of the drainage canal. He has made a chemical analysis of the water of the Mississippi and Illinois Rivers, he said.

The water eighteen days to travel from Chicago to the mouth of the Illinois River, and if any typhoid germs are introduced into the canal, 99 per cent of them will perish before they reach the mouth of the Illinois River, he said.

When it reaches the Mississippi, he said, the Illinois shore in its further course, there is little likelihood of the St. Louis will get any Illinois River water.

# BULLER'S ARTILLERY IS AT WORK.

His Message Indicates That Warren's Division Is Heavily Engaged.

EXPECTS LATTER TO MAKE FIVE MILES.

"There Will Be No Turning Back," Says the British General—Boers' Lines of Defense Are Numerous and Strong.

BY BENNETT BURLEIGH.

SPECIAL BY CABLE.

Spearman's Farm, Natal, Thursday, 7:20 a. m.—(Copyright, 1900, by James Gordon Bennett.)—Our howitzer battery fired upon the Boer lines occasionally during last night, and the bombardment was resumed at a quarter to six o'clock this morning. All is well.

BOERS' STRONG DEFENSE.

SPECIAL BY CABLE.

London, Friday, Jan. 19.—(Copyright, 1900, by James Gordon Bennett.)—The correspondent of the Standard sends this dispatch from Spearman's Farm under date of Wednesday:

Lord Dundonald made a close reconnaissance of the enemy's position. They were found to be strongly entrenched on a series of low kopjes situated close to the river and extending right up to Ladysmith.

Their second main line of defense was the edge of a long plateau which was flanked by a lofty hill on our left called Abejuma.

Their position was further strengthened by the sinuous course taken at this point by the Tugela. After flowing beneath the precipitous slope of the Abejuma Mountain, the river winds about until it forms a sort of peninsula over which the road to Ladysmith passes up to a plateau.

BULLER'S REPORTS.

London, Jan. 18, 1900.—The War Office has issued the following:

From Buller, Spearman's Camp, January 18:

One field artillery howitzer battery and Lyttleton's brigade are across the Tugela at Potgieter's Drift. The enemy's position is being bombarded by us.

Five miles higher up Warren has crossed the river by a pontoon, eighty-five yards long. He hopes his force will be evening have advanced five miles from the river to his right front. The enemy is busily intrenching.

From Roberts, Cape Town, January 18:

Gatacre reports that three hundred men of all ranks have been moved from Bushman's Hook to Hoperberg, and the Seventy-Fourth Field Battery and one company of mounted infantry from Sterkstroom to Bushman's Hook. Otherwise there is no change.

The War Office has also received the following dispatch from General Roberts, dated Cape Town, today:

I have received a telegram from General Buller stating that one brigade and howitzer battery have crossed the Tugela River at Potgieter's Drift. Five miles further west, at Trichard's Drift, General Warren has thrown a pontoon bridge over the river. By this part of his force crossed yesterday. The remainder is expected by this morning to be on the north bank. Warren hopes he will be able to turn the enemy's position, which five miles off to his right front is being strongly intrenched.

MANY BRITISH WOUNDED.

London, Jan. 18.—A special dispatch from Durban, dated Wednesday, says:

Advices from Potgieter's Drift, dated yesterday (Tuesday) say that Sir Charles Warren has arrived within seventeen miles of Ladysmith, and that the British wounded are arriving at Mooi River field hospital by every train from the front, indicating that there has already been severe fighting.

Neither report has yet been confirmed.

BEGINNING OF THE FIGHT.

Spearman's Farm, Natal, Jan. 18, 10 a. m.—General Lyttleton's brigade, with a howitzer battery, crossed the Tugela River at Potgieter's Drift, on Tuesday, January 16. The water rose above the waists of the men.

The Boers fired two shots and

then recalled their forces to the trenches, the passage being interrupted.

The British advanced in skirmishing order and the small kopjes on the summits were occupied by 6:30 p. m.

During the night it rained heavily. Yesterday (Wednesday) the Boer trenches were vigorously shelled in front of Mount Alice, while the British remained in possession of the kopjes and plain.

Heavy mists enveloped the hills, but the naval guns and the heavier battery made good practice, thoroughly searching the trenches.

On the Boer right a breach was made in a sandbag emplacement, where it is supposed the Boer guns had been placed.

The cannonade was heavy and continuous, and the Boers were observed leaving trenches in small parties. The hill facing the British position was shelled next.

General Warren has forced a passage of the Tugela seven miles to the left.

THE START FOR LADYSMITH.

Mount Alice, near Potgieter's Drift, Natal, Monday, Jan. 15.—(Copyright, 1900, by James Gordon Bennett.)—There is a persistent rumor about this morning that Ladysmith has been relieved. The rumor has reached the War Office by midnight, coupled with the statement that a decisive victory had been won by the British. The official report, however, has not yet been received, and it is not yet known whether the rumor is true or not.

As the Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

# SITUATION SUMMARIZED.

Persistent Rumor That Ladysmith Had Been Relieved Is Discredited.

BY MILTON V. SNYDER.

SPECIAL BY CABLE.

London, Friday, Jan. 19.—(Copyright, 1900, by James Gordon Bennett.)—There is a persistent rumor about this morning that Ladysmith has been relieved. The rumor has reached the War Office by midnight, coupled with the statement that a decisive victory had been won by the British. The official report, however, has not yet been received, and it is not yet known whether the rumor is true or not.

As the Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of Buller, and have strong positions on the Tugela, it is not yet known whether the rumor is true or not.

The Boers occupy, in force, the kopjes in front of